

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**ORLANDO RUIZ AND OSCAR
DURANT, JR., ON BEHALF OF
THEMSELVES AND ALL OTHERS
SIMILARLY SITUATED,
*Plaintiffs,***

V.

**ROCKHARD CO, LLC,
ROCKHARD HOLDINGS, LLC,
AND CARLOS R. ROMAN,
INDIVIDUALLY,
*Defendants.***

§ §

1:25-CV-427-ADA-ML

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane. Dkt. 20. The report and recommendation addressed Defendants' Renewed Partial Motion to Dismiss Pursuant To Federal Rule Of Civil Procedure 12(b)(6) (Dkt. 11) and recommended that it be **DENIED WITHOUT PREJUDICE IN PART**, and that Plaintiffs' unjust enrichment claim be **DISMISSED WITHOUT PREJUDICE**. Judge Lane issued the report and recommendation on September 24, 2025. As of the date of this order, no party has filed objections to the report and recommendation.

A party may file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court.

28 U.S.C. § 636(b)(1). When no objections are timely filed, the Court reviews the

magistrate judge's report and recommendation for clear error. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Because the parties have not filed timely objections, the Court has reviewed Judge Lane's report and recommendation for clear error. Having found no such error, the Court finds that the report and recommendation should be adopted.

Accordingly, the Report and Recommendation of the United States Magistrate Judge (Dkt. 20) is **ADOPTED**. Defendants' Renewed Partial Motion to Dismiss Pursuant To Federal Rule Of Civil Procedure 12(b)(6) (Dkt. 11) is **DENIED WITHOUT PREJUDICE IN PART**. Plaintiffs' unjust enrichment claim is **DISMISSED WITHOUT PREJUDICE**.

SIGNED on October 21, 2025.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE